

DRAFT
**A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD JUNE 8, 2006 AT 11:00 A.M. IN WARRENTON, VIRGINIA**

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS
UPDATE**

David Cubbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

**A WORK SESSION TO DISCUSS THE BOARD OF SUPERVISORS POLICY ON
SMALL PARCELS IN AG & FORESTAL DISTRICTS**

Kimberley Johnson, Zoning Administrator, discussed the Board policy on smaller parcels in Agricultural and Forestal Districts, which places a more stringent requirement than does the broader standards established by the Code of Virginia.

**A WORK SESSION TO CONSIDER A ZONING ORDINANCE TEXT AMENDMENT
TO PERMIT INDOOR SPORTS/ACTIVITY CENTERS**

Todd Benson, Assistant Zoning Administrator, discussed a proposed text amendment to the Zoning Ordinance that is designed to allow indoor sports and/or activity centers in Fauquier County.

**A CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION OF PROPERTY FOR
LANDFILL PURPOSES PURSUANT TO SECTION 2.2-3711(A)(3) OF THE CODE OF
VIRGINIA, AND TO DISCUSS PENDING LITIGATION PURSUANT TO SECTION 2.2-
3711(A)(7) OF THE CODE OF VIRGINIA**

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(A)(3) of the Code of Virginia, to discuss the acquisition and use of real property for landfill purposes, where the discussion in an open meeting would adversely affect the bargaining position or negotiating

strategy of the County; and also pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss pending litigation. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 13th day of April 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

A WORK SESSION WITH MEMBERS OF THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY BOARD TO DISCUSS A PROPOSED VINT HILL TOWN CENTER

Members of the Vint Hill Economic Development Authority, Chairman Christopher Johnson and Director Richard Reiss, discussed the proposed construction of a Town Center on the Vint Hill Farms Station property that would conceptually include a mixture of commercial, industrial and residential property.

A CLOSED SESSION TO DISCUSS A SPECIFIC LEGAL MATTER INVOLVING THE SCHOOL BUS GARAGE ACCESS PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss a specific legal matter involving the school bus garage access. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

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WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 13th day of April 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 P.M.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

- Remove regular agenda item #9, A Resolution to Approve the Renaming of a Portion of VA Route 674, Georgetown Road, and a Portion of VA Route 628, Blantyre Road, and add it as consent agenda item "k".
- Remove regular agenda #13, A Resolution to Opt Out of Tenancy in Common for School Board Property, Pursuant to Code Section 15.2-1800.1 of the Code of Virginia, and add it as consent agenda item "l".
- Remove regular agenda #18, A Resolution to Authorize the Reimbursement of Community Development Fees to Fauquier Housing Corporation Associated with the Construction of the Stuart Street Homes, and add it as consent agenda item "m".

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS' TIME

- Lee Smith, Cedar Run District, urged the Board to consider revising the County Zoning Ordinances so that family land transfers and subdivisions can be more readily accomplished. Mr. Smith stated he is organizing "Family Housing Community Meetings" and invited the public to participate.
- Tom Reese, Center District, spoke on behalf of the Disability Services Board in favor of additional funding for structural upgrades to the historic John Barton Payne building to allow handicap accessibility.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented to Kyle Fox and Karen Beavers, on behalf of the Fauquier Amateur Radio Association, A Proclamation to Designate June 24-25, 2006 as Amateur Radio Weekend in Fauquier County.
- Mr. Downey presented to Vivian McGettigan, Finance Director, the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes for the May 11, 2006 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Establish Timeframes for Completion of Approved Purchase of Development Rights (PDR) Projects

RESOLUTION

A RESOLUTION TO ESTABLISH TIMEFRAMES FOR COMPLETION OF APPROVED PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROJECTS

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights Program (PDR) to support the agricultural economy of Fauquier County; and

WHEREAS, a total of nearly 4,100 acres have been approved for PDR purchases to date; and

WHEREAS, on May 9, 2006, the PDR Committee recommended that timeframes be established by the Board of Supervisors for completion of PDR projects in order to more expeditiously close the transactions, with such timeframes effective for applicants in the June 1, 2006 – August 31, 2006 application cycle; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the timeframes for completion of PDR projects as recommended by the PDR Committee and attached herein, be, and are hereby, adopted for the PDR Program.

**FAUQUIER COUNTY
PURCHASE OF DEVELOPMENT RIGHTS
COMMITMENT AGREEMENT**

**This Commitment Agreement
must be executed and returned
within 90 days of receipt or the County has the
right to rescind this offer**

THIS PURCHASE OF DEVELOPMENT RIGHTS COMMITMENT AGREEMENT made and entered into this ____ day of _____, 2006 by and between _____ (hereinafter referred to as “Owners”) and the County of Fauquier (hereinafter referred to as “County”).

RECITALS

1. The Owners have applied to sell all or a portion of the development rights on the hereinafter described property to the County under its Purchase of Development Rights Program
2. As part of its Purchase of Development Rights Program the Board of Supervisors of Fauquier County has determined to purchase the hereinafter set forth number of development rights from the Owners.

WITNESSETH:

IN CONSIDERATION OF the mutual covenants and promises contained herein the Owner and the County agree as follows:

1. The Owners agree to sell and the County agrees to purchase at \$30,000 per development right the following development rights on the following parcels:

Parcel PIN	Number of Rights Sold	Number of Rights Retained
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2. Owners agree to execute the County's Deed of Conservation Easement imposing a conservation easement on the parcels.
3. Title to the parcels shall be subject to the approval of the county and all deeds of trusts, judgments and liens shall either be paid off and released as the sole expense of the seller or shall be subordinated to the Conservation Easement.
4. Owners agree that if at any time they choose not to go forward with the settlement they shall be responsible for the cost of the title insurance search, the subdivision analysis letters, surveying work and any and all other expenditures and costs the County has incurred as a result of the Owners agreement to sell the development rights.
5. Owners agree to permit the County's Program Coordinator or his agent to enter upon the parcels for the purpose of reviewing the parcels and establishing baseline documentation for the improvements to the property.
6. The County shall have the right in its sole discretion now and at any time in the future to transfer part or all interest it has under this easement to a government or non-profit agency capable of co-holding conservation easements. Such transfer shall not require the consent of the Grantor or any trustee under a deed of trust which has been subordinated to the conservation easement.
7. The parties hereto agree and understand that any value of a donation claimed for tax purposes as a result of this transaction must be fully and accurately substantiated under the requirement of State and Federal tax codes applicable to donations of conservation easements and by an appraisal from a qualified appraiser as defined in IRS regulations (see section 1.170A-13(c)(5)), and that the appraisal is subject to review and audit by the appropriate tax authorities. The County makes no express or implied warranties regarding whether any tax benefits will be available to Owner from the donation of all or any part of this easement, nor whether any such tax benefits might be transferable, nor whether there will be any market for any tax benefits which might be transferable, nor whether the deed of conservation easement or any other form or documentation prepared by the County as a part of this transaction will satisfy any State or Federal requirement, law, or regulation related to tax credits or deductions for the donation or partial donation of the easement.
8. Owners acknowledge receipt of estimated timetable for processing documents necessary to complete the Purchase of Development Rights easement. Owners understand that within one year from the date this Agreement is executed, significant progress must be shown or the County has the right to rescind the offer. Should additional time be required, a written request must be made which outlines the progress made and explains the reasons for the request. One additional year may be granted, however, after two

years, if the easement is not completed, the County may rescind this offer. The landowner would be required to reapply in a subsequent application round to be considered for the PDR Program.

9. The County's obligations under this agreement are subject to the lawful appropriation of funds by the Board of Supervisors for the purchase of the development rights under this agreement.
10. The interpretation and performance of this Agreement shall be governed by the laws of the Commonwealth of Virginia.

Applicant

County of Fauquier

By: _____

COUNTY OF FAUQUIER
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2006 by _____.

Notary Public

My commission expires: _____.

FAUQUIER COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

ESTIMATED TIMELINE

Preliminary Steps:

Application received by Agricultural Development

Number of Development Rights determined by Zoning

Visit property with PDR Committee and communicate number of Development Rights

PDR Committee recommends purchase to Board of Supervisors

Approval of Application by Board of Supervisors

1. Approval Letter and Commitment Agreement sent to Landowner with standard Deed of Easement for review by landowner and attorney.
(90 days for response)
2. Prepare Baseline Documentation, including photography
(30 days to complete)

3. Upon receipt of signed Commitment Agreement, order Title Search (and Survey if required)
(30 days for preparation of Title Search)
(at least 60 days for Survey)
4. Upon receipt of Title Search, request loan payoffs or subordination of any existing Deed of Trust
(30 days or more depending on lender)
5. Prepare Draft Deed of Easement for Landowner's Attorney
(two weeks for response)
6. After Landowner's Attorney's review of Draft Deed of Easement, process check requests through Finance Department and submit settlement documents for review
(two weeks)
7. Schedule and hold Closing
8. Record Deed of Easement
9. Pursue Co-Holding of Easement (may occur concurrently with closing).

* Note: These timeframes are estimates and represent approximate average time periods required for completion of the various steps. Many variables can affect these time periods, including, but not limited to landowner indecision, agreement among multiple landowners, selection of attorneys and accountants by landowners, tax issues, pursuit of favorable tax treatment of bargain sales, and complicated title issues. Within one year from the date the Landowner's Commitment Agreement is executed, significant progress must be shown or the County has the right to rescind the offer.. A written request for additional time will be required which outlines progress made and explains the reason for the request. One additional year may be granted; however, after two years, if the easement is not completed, the County may rescind the offer. The landowner must reapply in a subsequent application round in order to be considered for the PDR Program.

A Resolution Authorizing a Memorandum of Agreement Between the Board of Supervisors and Aspen South, LLC

RESOLUTION

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE
BOARD OF SUPERVISORS AND ASPEN SOUTH, LLC

WHEREAS, Aspen South, LLC, is the owner of a swimming pool in Bealeton, Virginia;
and

WHEREAS, the use of the swimming pool for the purpose of conducting swimming lessons for the nominal fee allows the Fauquier County Parks and Recreation Department to provide a valuable service to the residents of Fauquier County at a minimal cost; and

WHEREAS, the terms of the Agreement are outlined in a Memorandum of Agreement, which is identical to that previously executed with Bealeton Station; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the Director of the Fauquier County Parks and Recreation Department be, and is hereby, authorized to execute the attached Memorandum of Agreement with Aspen South, LLC.

2006
Memorandum of Agreement
Between
Fauquier County Board Of Supervisors
and
Aspen South, LLC.

Subject: Use of swimming pool for swim lessons.

1. Fauquier County Parks & Recreation Department is authorized to use the Aspen South, LLC. apartment complex swimming pool for swim lessons during the dates and times as follows:

Swim Lessons: June 21- August 20
 Monday-Thursdays, 8:00-11:00 am
 Fridays will be used for class make-ups
 Lessons will not be held July 4th

2. Special Events may be co-sponsored if mutually agreed upon by both parties and placed in writing.
3. The Fauquier County Parks & Recreation Department will ensure that all participants sign a waiver of liability and parental consent for all minors registered by the Fauquier County Parks & Recreation Department. Fauquier County Parks & Recreation Department will maintain proper supervision of all swim lessons in accordance with American Red Cross guidelines at the Aspen South swimming pool.
4. The sum of \$6.00 per hour will be paid to the Aspen South Apartments for the days and hours the pool is used by the Fauquier County Parks & Recreation Department. Remittance for said fees should be billed to: FCPRD Southern Region, 10066 Rogues Road, Midland, VA 22728. Payment will be made within 45 days of receipt.
5. Aspen South Apartments agrees to maintain proper water levels for use by Fauquier County Parks & Recreation Department and to provide maintenance to ensure Red Cross Safety Standards are met during swim lessons. Aspen South Apartments will notify Larry W. Miller, Director, Parks & Recreation Department, (540) 347-6848 of any need for maintenance. Fauquier County Parks & Recreation Department instructors are required to skim the pool before each class to remove debris from pool surfaces.
6. Fauquier County Parks & Recreation will ensure that the pool decks and bathhouses are left clean and orderly. If for any reason the condition of the property is unsatisfactory for the conduct of swimming lessons, Fauquier County Parks & Recreation shall notify Aspen South Apartments staff immediately. Fauquier County Parks & Recreation Department representatives will obtain keys to the Facilities at the Aspen South Apartment Management Office on or before June 21 and return immediately after all

classes for the season are ended. A list of approved Parks & Recreation representatives will be provided by the FCPRD Southern Region Superintendent.

7. Aspen South Apartment and Drucker & Falk LLC. is indemnified to the extent authorized by law for any loss sustained or consequences of Fauquier County Parks & Recreation swimming lessons.
8. The Board of Supervisors of Fauquier County will maintain for it's own and Aspen South Apartment's protection and at the Fauquier County Board of Supervisors\'s expense a comprehensive public liability insurance policy to the extent of at least \$1 million bodily injury and property damage combined single limit.
9. Fauquier County Board of Supervisors agrees to defend, indemnify, and hold harmless Aspen South, LLC. and it's agents, affiliates, and employees against any and all claims arising from the County's use of the Facilities. The County agrees to add Aspen South, LLC. as additional insured under the County's insurance coverage.
10. This agreement shall automatically renew on April 1st of each year with such modifications to dates and times as may be agreed upon by the parties, unless either party notifies the other in writing of its intent to cancel the agreement prior to April 1.

Aspen South, LLC.

Date

By: Joann Coss, Manager
Aspen South Apartments
540-439-6768

Fauquier County Board of Supervisors

Date

By: Larry W. Miller, Director
Fauquier County Parks & Recreation
540-347-6848

A Resolution to Adopt Guidelines for Implementation of the Public-Private Education Facilities & Infrastructure Act of 2002, as Amended

RESOLUTION

A RESOLUTION TO ADOPT GUIDELINES FOR IMPLEMENTATION OF THE PUBLIC-PRIVATE EDUCATION FACILITIES & INFRASTRUCTURE ACT OF 2002, AS AMENDED

WHEREAS, in March 2004, the Fauquier County Board of Supervisors adopted a Policy for Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002; and

WHEREAS, the Finance Committee reviewed and approved revisions to this Policy based on Commonwealth of Virginia legislative changes adopted in 2004, 2005, and 2006; and

WHEREAS, these revisions have also been reviewed and approved by both County and School Board Attorney's offices; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th of June 2006, That the Board of Supervisors does hereby authorize the adoption of these revised Guidelines for Implementation of the Public-Private Education Facilities & Infrastructure Act of 2002, as amended.

A Resolution to Provide Additional Financial Support for the Construction of the Birmingham Green Assisted Living Facility

RESOLUTION

A RESOLUTION TO PROVIDE ADDITIONAL FINANCIAL SUPPORT FOR THE CONSTRUCTION OF THE BIRMINGHAM GREEN ASSISTED LIVING FACILITY

WHEREAS, Fauquier County is an owner and participant in the Birmingham Green residential program serving lower income elderly and disabled residents; and

WHEREAS, Fauquier County greatly benefits from the services provided by Birmingham Green and in conjunction with other jurisdictions has the opportunity to replace assisted living facilities constructed in 1927, and remodeled in the 1950's; and

WHEREAS, in order to secure Federal funding and begin construction, additional funding from Fauquier County, in the amount of \$75,000, is required; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That funding in the amount of \$75,000 for construction of the Birmingham Green Assisted Living Facility be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the use of FY06 General Fund Contingency funds for this purpose be, and is hereby, authorized.

A Resolution to Establish Additional Cash Drawers at C. M. Crockett Park and Increase the Amount of Cash in Current Cash Drawers at C. M. Crockett Park

RESOLUTION

A RESOLUTION TO ESTABLISH ADDITIONAL CASH DRAWERS AND INCREASE THE AMOUNT OF CASH IN CURRENT CASH DRAWERS AT C.M. CROCKETT PARK

WHEREAS, cash drawers are an essential element of conducting cash business; and

WHEREAS, an adequate amount of change is necessary for addressing unusual monetary demands by customers; and

WHEREAS, County policy requires each individual (custodian) to have a cash drawer; and

WHEREAS, the Finance Department, the County auditors and the Parks and Recreation Department endorse the use of cash drawers; and

WHEREAS, establishment of additional drawers at C. M. Crockett Park and the increase in the amount of cash in cash drawers at C.M. Crockett Park are needed immediately; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That seven (7) additional cash drawers be established in the amount of \$150.00 in each, four (4) cash drawers be increased by \$50.00 per drawer, and one (1) cash drawer be increased by \$45.00, for a total amount of \$1,295.00, and said cash drawers be, and are hereby, authorized for the purpose of providing change to the public for Parks and Recreation Department services; and, be it

RESOLVED FURTHER, That all financial procedures shall be subject to, and in conformance with, standards prescribed by the County's certified public accounting firm.

A Resolution to Award a Contract for the Installation of an Automated Weather Observing System (AWOS) at the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR THE INSTALLATION OF AN
AUTOMATED WEATHER OBSERVING SYSTEM (AWOS) AT THE WARRENTON-
FAUQUIER AIRPORT

WHEREAS, on May 17, 2006, three bids were received for the installation of an Automated Weather Observing System at the Warrenton-Fauquier Airport; and

WHEREAS, the State Department of Aviation is providing 80% funding for this project and the local share will be provided from Airport funds, now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 8th day of June 2006, That the Board of Supervisors does hereby authorize the County Administrator to award a contract to Austin Electric Construction in the amount of \$206,310, subject to the review of the County Attorney and final grant approval by the State Aviation Department; and, be it

RESOLVED FURTHER, That the Airport Capital Budget be, and is hereby, increased in the amount of \$288,400 to reflect the construction and construction management costs associated with the installation of the Automated Weather Observing System at the Warrenton-Fauquier Airport, as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
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FY 2006

State Funds	3-504-244700-0020	\$230,720	Airport	4-504-91300-3161	\$288,400
Airport Fund	3-504-419000-0020	\$57,680			
Balance					

A Resolution to Request the Virginia Commonwealth Transportation Board to Complete the Abandonment of Movern Lane

RESOLUTION

A RESOLUTION TO REQUEST THE VIRGINIA COMMONWEALTH TRANSPORTATION BOARD TO COMPLETE THE ABANDONMENT OF MOVERN LANE

WHEREAS, Movern Lane (Route 890) right-of-way was acquired for public use, constructed, and accepted into the State secondary system of highways in conjunction with VDOT project number 6029-030-102, RW202; and

WHEREAS, a portion of the existing roadway is being realigned in conjunction with White's Mill Subdivision under a plan approved by Fauquier County on December 19, 2003; and

WHEREAS, a portion of the existing right-of-way outside of the boundaries needed for realigned Movern Lane was previously acquired by the Virginia Department of Transportation through eminent domain; and

WHEREAS, the Virginia Department of Transportation no longer requires this portion of the right-of-way, and the property owner has requested that the right-of-way be abandoned through the process set forth in Section 33.1-151, et seq., of the Code of Virginia; and

WHEREAS, the stated portion of road is shown on the plat identified as "Plat Showing Right-of-Way Abandonment a Portion of Movern Lane – Route #890"; and

WHEREAS, public notice was posted as prescribed under §33.1-151 et seq., Code of Virginia, concerning abandoning the section of road described herein; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

WHEREAS, following the prescribed notice period, no request was made for a public hearing; and

WHEREAS, after considering all evidence available, the Fauquier County Board of Supervisors is satisfied that no public necessity exists for the continuance of this section of right-of-way from approximately 330 feet north of Abingdon Place along both sides of Route 890 (14,174 square feet on the northwest side and 1,867 square feet on the southeast side), and hereby deems that section of road is no longer necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the Board of Supervisors does hereby abandon the above-described right-of-way, pursuant to § 33.1-151 et seq., Code of Virginia; and, be it

RESOLVED FURTHER, That the County hereby requests that the Commissioner certify to the Commonwealth Transportation Board that the above-referenced right-of-way is no longer necessary, and that the Board and the Commissioner take such steps as are required to transfer the Commonwealth's title or interest in the aforesaid portion of abandoned right-of-way to the adjoining property owner; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider the Grant of an Easement to Northern Virginia Electric Cooperative at the Vint Hill Pool

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A
PUBLIC HEARING TO CONSIDER THE GRANT OF AN EASEMENT TO NORTHERN
VIRGINIA ELECTRIC COOPERATIVE AT THE VINT HILL POOL

WHEREAS, the Code of Virginia requires that a public hearing be conducted prior to the granting of a utility easement; and

WHEREAS, Fauquier County must grant an easement at the Vint Hill Pool to Northern Virginia Electric Cooperative in order to extend electrical service to the Provost Guard Building; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider the grant of an easement to Northern Virginia Electric Cooperative at the Vint Hill Pool.

A Resolution to Designate a Fauquier County Representative to Execute the Grant Agreement for A Security Grant at the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO DESIGNATE A FAUQUIER COUNTY REPRESENTATIVE TO
EXECUTE THE GRANT AGREEMENT FOR A SECURITY GRANT AT THE
WARRENTON-FAUQUIER AIRPORT

WHEREAS, Fauquier County is eligible to receive Federal security grant funding in the amount of \$9,803.92 through the National Domestic Preparedness Office Grant Program; and

WHEREAS, said funds would be used to install a security gate at the entrance to the fuel storage facility at the Warrenton-Fauquier Airport; and

WHEREAS, in order to receive said funding, the County must complete certain documentation required by the National Domestic Preparedness Office; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, a public entity established under the laws of the State of Virginia, the application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Office of Justice Programs, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs for all matters pertaining to such Federal financial assistance any and all information pertaining to those Grants as may be requested.

A Resolution to Approve the Renaming of a Portion of VA Route 674, Georgetown Road, and a Portion of VA Route 628, Blantyre Road

RESOLUTION

A RESOLUTION TO APPROVE THE RENAMING OF A PORTION OF VA ROUTE 674, GEORGETOWN ROAD, AND A PORTION OF VA ROUTE 628, BLANTYRE ROAD

WHEREAS, the Fauquier County Transportation Committee met on July 27, 2005; and

WHEREAS, a concerned citizen reported to the Transportation Committee at this meeting that a section of Route 628, Blantyre Road at Route 55, John Marshall Highway, is confusing in regard to the naming; and

WHEREAS, the County Code of Ordinances empowers the Board of Supervisors to change the official naming of a public street where it is necessary for the general health, safety or welfare of County residents; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That a portion of VA Route 674, Georgetown Road, be, and is hereby, officially renamed to Blantyre Road; and, be it

RESOLVED FURTHER, That a portion of VA Route 628, Blantyre Road, be, and is hereby, officially renamed to Trapp Branch Road; and, be it

RESOLVED FINALLY, That the Board of Supervisors does hereby recognize and agrees that these official street name changes to public streets are necessary for the general health, safety or welfare of County residents.

A Resolution to Opt Out of Tenancy in Common for School Board Property, Pursuant to Code Section 15.2-1800.1 of the Code of Virginia

RESOLUTION

A RESOLUTION TO OPT OUT OF TENANCY IN COMMON FOR SCHOOL BOARD PROPERTY, PURSUANT TO CODE SECTION 15.2-1800.1 OF THE CODE OF VIRGINIA

WHEREAS, Section 15.2-1800.1 of the Code of Virginia provides that whenever a locality has incurred a financial obligation, payable over more than one fiscal year, to fund the acquisition, construction or improvement of public school property, the local governing body of the locality shall be deemed to have acquired title to such school property, as a tenant in common with the local school board, for the term of such financial obligations; and

WHEREAS, such tenancy in common shall arise by operation of law when such financial obligation is incurred by the local governing body and shall terminate by operation of law when such financial obligation has been paid in full; and

WHEREAS, Section 15.2-1800.1 of the Code of Virginia also allows any local governing body to elect not to acquire tenancy in common for some or all of the local school board property in its locality by adopting a resolution declining such tenancy in common for current and future financial obligations

WHEREAS, neither the creation nor termination of this tenancy in common shall require the execution or recordation of any deed of conveyance by either the local school board or the governing body; and

WHEREAS, this resolution neither alters the authority or responsibility of the Fauquier County School Board to control and regulate the use of the property during the existence of such tenancy in common, nor confers to the Fauquier County Board of Supervisors any additional powers over decisions relative to Fauquier County School Board property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the Fauquier County Board of Supervisors does hereby elect not to acquire title as tenant in common with the Fauquier County School Board for any and all Fauquier County School Board property for which the County has incurred, or shall incur, a financial obligation, payable over more than one fiscal year.

A Resolution to Authorize the Reimbursement of Community Development Fees to Fauquier Housing Corporation Associated With the Construction of the Stuart Street Homes

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REIMBURSEMENT OF COMMUNITY
DEVELOPMENT FEES TO FAUQUIER HOUSING CORPORATION ASSOCIATED WITH
THE CONSTRUCTION OF THE STUART STREET HOMES

WHEREAS, it is the Board of Supervisors' policy to support the development of housing to benefit low income County residents; and

WHEREAS, Fauquier Housing Corporation has paid fees associated with the development of the Stuart Street Homes in The Plains; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the Fauquier County Administrator be, and is hereby, directed to provide reimbursement of building and zoning fees in the amount of \$2,928 to Fauquier Housing Corporation in support of the development of affordable housing units as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
FY 2006 Rebates	4-100-012110-5674	\$2,928	Fauquier Housing	4-100-081600-5656	\$2,928

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Purchase of Development Rights Committee – Marshall District: Patricia Ewing to fill an unexpired term ending December 31, 2007.

**A RESOLUTION TO AUTHORIZE FAUQUIER COUNTY TO MAINTAIN A
PROPOSED TRAIL TO BE LOCATED IN THE VIRGINIA DEPARTMENT OF
TRANSPORTATION RIGHT-OF-WAY ALONG A PORTION OF BEAR WALLOW
ROAD, ADJACENT TO THE SILVER CUP SUBDIVISION**

Mr. Atherton moved to postpone until the next regular meeting on July 13, 2006, consideration of a resolution to authorize Fauquier County to maintain a proposed trail to be located in the Virginia Department of Transportation right-or-way along a portion of Bear Wallow Road, adjacent to the Silver Cup subdivision. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

A RESOLUTION TO CONSIDER INCREASING THE CONSTRUCTION AND DEMOLITION DEBRIS FEE AT THE CORAL FARM LANDFILL FROM \$45.00 PER TON TO \$46.00 PER TON EFFECTIVE JULY 1, 2006

Mr. Downey moved to postpone until the next regular meeting on July 13, 2006, consideration of a resolution to consider increasing the Construction and Demolition Debris fee at the Coral Farm Landfill from \$45.00 per ton to \$46.00 per ton. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO AWARD TO TREN CONSTRUCTION THE CONTRACT FOR THE ASSAY OFFICE AND BUNK HOUSE AT MONROE PARK

Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AWARD TO TREN CONSTRUCTION THE CONSTRUCTION CONTRACT FOR THE ASSAY OFFICE AND BUNK HOUSE AT MONROE PARK

WHEREAS, funding was appropriated through the Capital Improvement Program for additional structures to the Gold Mining Museum at Monroe Park; and

WHEREAS, bids were solicited for the Assay Office and Bunk House structures; and

WHEREAS, Tren Construction submitted the low bid of \$387,632 for these structures; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That Tren Construction be, and is hereby, awarded a contract in the amount of \$387,632 for the construction of the Assay Office and Bunk House at Monroe Park.

A RESOLUTION TO AWARD A CONTRACT FOR IMPROVEMENTS TO THE JOHN BARTON PAYNE BUILDING

Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was 4 to 1, as follows:

Ayes: *Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *Mr. Harry F. Atherton*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR IMPROVEMENTS TO THE JOHN BARTON PAYNE BUILDING

WHEREAS, the Board of Supervisors and Library Board wish to make programs offered at the John Barton Payne Building available to all citizens; and

WHEREAS, three bids were received for improved access to the John Barton Payne building; and

WHEREAS, the Facilities Planning and Implementation Committee has reviewed the plans and discussed the bids received; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That a contract for improvements to the John Barton Payne Building to J. Crowder Construction in the amount of \$547,000 be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the transfer of funds in the amount of \$198,000 from Fund Balance, Contingency Reserve and CIP Sports Complexes, be, and is hereby authorized as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
<u>FY 2006</u>					
Fund Balance	3-100-419000-0010	\$96,000	Capital	4-302-73100-8305	\$198,000
Contingency Reserve	4-100-091400-9999	\$61,000	Improvements		
Sports Complexes	4-302-71140-8512	\$41,000	Program (CIP)		

A RESOLUTION TO APPROVE A WAIVER FOR A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH, MARSHALL DISTRICT

Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER FOR A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH, MARSHALL DISTRICT

WHEREAS, Thomas and Cheryl Blicharz, owners, are seeking a waiver to Zoning Ordinance Section 7-302.1.C. to allow a right-of-way that is less than fifty feet in width; and

WHEREAS, the applicant proposes to create one administrative lot and a residual lot from the 38.2-acre parcel identified as PIN 6000-82-5511-000, with access via a twenty-foot easement which connects to Cherry Hill Road (Route 638); and

WHEREAS, on May 25, 2006, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That Zoning Ordinance Section 7-302.1.C be, and is hereby, waived to permit Thomas and Cheryl Blicharz to create an administrative lot on the above-referenced parcel that will be accessed by a right-of-way that is less than fifty (50) feet in width, subject to the following conditions:

1. The administrative division and residue parcel shall be deed restricted from further subdivision.

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET, MARSHALL DISTRICT

Mr. Atherton moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET, MARSHALL DISTRICT

WHEREAS, Paul Carey, Sr. and Ida Lee Carey, and Sean and Deborah Cannon, owners, are seeking a waiver to Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the applicants wish to create one (1) new administrative lot from their 13-acre parcel identified as PIN 6959-03-7291 with access via an extension of Walsingham Lane, a private street; and

WHEREAS, the applicants agree to deed restrict the 10-acre parcel identified as PIN 6959-02-6749-000 from future development; and

WHEREAS, Walsingham Lane is an existing private street that connects directly to Crest Hill Road (Route 647), a state maintained street; and

WHEREAS, on May 25, 2006, the Fauquier County Planning Commission recommended denial of the proposed Zoning Ordinance waiver as originally proposed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That Zoning Ordinance Section 7-302.1.B be, and is hereby, approved to permit Paul Carey, Sr. and Ida Lee Carey, and Sean and Deborah Cannon to create one (1) administrative division on the above-referenced parcel on a private street that does not connect directly to a state maintained street.

A RESOLUTION TO APPROVE THE FRABER FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT, LEE DISTRICT

Mr. Stribling moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE FRABER FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT, LEE DISTRICT

WHEREAS, on December 26, 2002, the applicant Eleanor Fraber was the recipient of a family transfer parcel; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicant has encountered severe financial hardship; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the requirement that Eleanor Fraber hold this family transfer parcel for a period of ten (10) years be, and is hereby, waived so that the parcel may be transferred to a non-immediate family member.

A RESOLUTION TO APPROVE THE DAVIS FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT, CEDAR RUN DISTRICT

Mr. Graham moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE THE DAVIS FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT, CEDAR RUN DISTRICT

WHEREAS, on April 18, 2003, the applicants Gary and Melissa Davis were the recipients of a family transfer parcel; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicant has encountered severe financial hardship; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the requirement that Gary and Melissa Davis hold this family transfer parcel for a period of ten (10) years be, and is hereby, waived so that the parcel may be transferred to a non-immediate family member.

A RESOLUTION TO AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

Mr. Downey moved to postpone until the next regular meeting, on July 13, 2006, consideration of a resolution to award a contract for the purchase and installation of equipment for a Construction and Demolition Debris recycling facility. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

SUPERVISORS' TIME

- Mr. Downey announced that next month he plans to bring forward a proclamation of appreciation for a family and service man who just returned after serving a year overseas with the Special Forces during the Gulf conflict.
- Mr. Stribling announced that the Remington Fire Department held its annual fundraising carnival last weekend and it was a good event. Mr. Stribling advised that funding has been approved for construction of the Assay Office and Bunk House at Monroe Park, and the Department of Parks and Recreation will be moving forward on that project.
- Mr. Graham first announced that the American Cancer Society Relay for Life was held last weekend at Fauquier High School, and they raised \$183,000 this year; however, \$2,000 is still needed in order to reach the goal of raising \$1,000,000 during the past 10 years in Fauquier County; he encouraged citizens to send contributions, and thanked the event organizers and volunteers for doing an outstanding job. Mr. Graham next

announced that “Operation First Response”, a non-profit organization based in Culpeper, Virginia, is working to identify and support the needs of armed forces service members who have been wounded or are gravely ill. He encouraged a \$1.00 donation from each citizen in Fauquier County to assist in the fundraising efforts to assist those military heroes and their families; he further stated that additional information is available on the organization’s website, located at www.operationfirstresponse.com. Mr. Graham next announced that he had been challenged to raise \$3,000 for the Muscular Dystrophy Association, and he was able to exceed that goal by raising \$3,670. Mr. Graham stated that the funds raised would help to purchase a cabin in Fauquier for MDA children to attend summer camp programs without charge; he expressed his sincere appreciation and gratitude to the generosity of local contributors. Lastly, Mr. Graham regretfully announced that a four-year old child had become a drowning victim last week; he encouraged families to embrace those people that are important in their lives.

ANNOUNCEMENTS

- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held at 6:30 p.m. on July 13, 2006, in the Warren Green meeting room, located at 10 Hotel Street, in Warrenton, Virginia.
- Mr. McCulla announced that County staff will be meeting with the bond rating agencies from June 21 through June 23, 2006, in anticipation of the release of School bonds for the third high school. Mr. McCulla stated further, this is a process that is completed periodically in order to receive the bond rating, which will help determine the interest rate the County will receive on the bonds.
- Mr. McCulla announced that the County Administration has been informed by the School Division that within the next two weeks they hope to release the bids received on the construction project related to the third high school, and it should be determined by the end of July or beginning of August whether or not additional funding will be required. Mr. McCulla added that, if extra funding is required, it will be necessary to schedule a joint work session between the Board of Supervisors and the School Board to determine how to manage any additional construction costs.

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$693,573 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$254,277

A public hearing was held to consider \$693,573 in appropriations for FY 2006, and \$127,139 in appropriations and \$127,138 in transfers for FY 2007. Bryan Tippie, Budget Director, summarized the proposed budget amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$693,573 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$254,277

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget and on March 30, 2006 adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its May meeting the Finance Committee has recommended FY 2006 budget adjustments of \$693,573 and for FY 2007 budget adjustments of \$254,277 for the purposes set forth below; and

WHEREAS, on June 8, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of \$693,573 and the FY 2007 Budget amended in the amount of \$254,277 as follows:

Source	FROM		Department	TO	
	Code	Amount		Code	Amount
FY 2006					
Real Estate	3-100-111001-0001	\$197,596	Fire & Rescue Association (F&RA)	4-270-032200-5647	\$197,596
Fund Balance	3-100-419000-0010	\$30,000	Budget Office	4-100-081600-5671	\$30,000
State Funds	3-205-242000-0001	\$332,675	School Division	4-205-63200-4210-900-000	\$332,675
State Funds	3-205-242000-0030	\$47,296	School Division	4-205-61103-3160-200-130	\$47,296
Insurance Reimbursement	3-100-411000-0010	\$4,427	Sheriff's Office	4-100-031200-3311	\$4,427
F&RA	4-270-032250-1301	\$8,565	Fire & Emergency Services (F&ES)	4-100-032420-1201	\$8,565
Local Businesses	3-270-189900-0050	\$2,276	F&RA	4-270-032220-6014	\$2,276
Local Revenue	3-220-129000-0002	\$30,000	Warrenton-Fauquier	4-220-31410-1101	\$70,738
State Funds	3-220-244100-0070	\$12,396	Joint		
Fund Balance	3-220-419000-0010	\$28,342	Communications		

FY 2007

Local Fees	3-100-133000-0042	\$43,580	Community	4-100-081200-1101	\$53,232
	3-100-133000-0043	\$36,638	Development	4-100-081200-2100	\$13,569
	3-100-133000-0067	\$46,921		4-100-081200-2210	\$22,171
				4-100-081200-2310	\$21,684
				4-100-081200-2400	\$2,483
				4-100-081200-6047	\$4,000
				4-100-081200-6050	\$10,000
Contingency Reserve (Transfer)	4-100-091400-9999	\$127,138	Community Development	4-100-081200-1101	\$127,138
TOTAL		\$947,850			\$947,850

A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY REAL PROPERTY OWNED BY FAUQUIER HOUSING CORPORATION OR ITS WHOLLY OWNED SUBSIDIARIES AS EXEMPT FROM REAL PROPERTY TAXATION

A public hearing was held to consider an Ordinance that would classify real property owned by Fauquier Housing Corporation, or its wholly owned subsidiaries, as exempt from real property taxation in order to facilitate the provision of affordable housing to needy citizens of the County. Kevin Burke, County Attorney, summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE EXEMPTING CERTAIN REAL PROPERTY OWNED BY FAUQUIER HOUSING CORPORATION OR ITS WHOLLY OWNED SUBSIDIARIES FROM TAXATION

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by organizations that use the property exclusively for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that, prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has considered the questions set forth in Virginia Code §58.1-3651.B and, upon consideration of those questions, has determined that the application for the proposed exemption from taxation should be granted; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the parcels of real property hereinafter set out be, and are hereby, declared as exempt from taxation for real property taxes of the County based upon Fauquier Housing Corporation or its wholly owned subsidiaries' exclusive use of said property for benevolent purposes, and for so long as the subject properties remain under the sole ownership and control of Fauquier Housing Corporation:

- Fauquier Housing Corporation, owner, PIN # 6983-59-5901
- Countryside Associates LP, owner, PIN #s 6989-98-6307 and 6989-98-5301
- Stuart Street Homes LP, PIN #s 6899-32-4403 and 6899-32-5690
- Fauquier Housing Corporation, PIN #s 6989-97-6214, 6989-97-6199 and 6989-97-6128
- The Oaks II Limited Partnership, Owner, PIN #6985-30-7573
- Those properties hereafter acquired by Fauquier Housing Corporation, or a wholly-owned entity, that meet all the requirements of this Ordinance and the Code of Virginia for tax exemption, provided that an application on forms prescribed by the Commissioner of Revenue has been filed, reviewed, and approved by the Commissioner of the Revenue and the County Attorney.

; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated; and, be it

ORDAINED FINALLY, That this exemption shall be effective as of January 1, 2006.

REVISIONS TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

A public hearing was held to consider amending the fee categories associated with land development applications and building permits and inspections. Frederick P.D. Carr, Director of the Department of Community Development, summarized the proposed revisions. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone a decision on the matter until the next regular meeting on July 13, 2006. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

AGRICULTURAL AND FORESTAL DISTRICT RENEWALS AND ADDITIONS

A public hearing was held to consider the following Agricultural and Forestal District renewals and additions:

- 1st Renewal of the Trumbo Hollow Agricultural and Forestal District, which is currently scheduled to expire on April 20, 2007
- 2nd Renewal of the Fiery Run Agricultural and Forestal District, which is currently scheduled to expire on April 20, 2007
- 3rd Renewal of the Routts Hill Agricultural and Forestal District, which is currently scheduled to expire on June 18, 2007
- 8th Addition to Cobbler Mountain
 - #AGFD06-MA-001: Frederick W. Okie, Jr.; Pauline O. Walker; Katherine Walker Bantleton; Elizabeth Walker Mecke; and St. Clair Okie Oliver (Owners) are requesting to add one parcel totaling 86.53 acres, located on Ramey Road (PIN #6949-17-9271-000)
- 11th Addition to Upperville
 - #AGFD06-MA-002: Ken & Stephanie Knapp (Owners) are requesting to add one parcel totaling 56.62 acres, located at 10001 Mt. Airy Road (PIN #6044-84-0502-000)
 - #AGFD06-MA-006: Charles & Geraldine Carroll/Runaway Farm, LLC, (Owners) are requesting to add one parcel totaling 56.40 acres, located at 9532 Carr Lane (PIN #6053-04-7312-000)
 - #AGFD06-MA-005: Weatherly Farm, LLC, (Owner) is requesting to add one parcel totaling 70.0 acres, located at 8205 West View Lane (PIN #6063-87-4757-000)
- 15th Addition to Marshall/Warrenton
 - #AGFD06-MA-007: John and Hillary Davidson (Owners) are requesting to add two parcels totaling 15.33 acres, located on Summerfield Hills Drive (PIN #6966-74-9935-000 and #6966-84-1552-000)

Kimberley Johnson, Zoning Administrator, reviewed the proposed applications for Agricultural and Forestal District Renewals and Additions. Ms. Johnson recommended that the public hearings be continued, and Board action be deferred on all items for 30 days. As a point of clarification, Mr. Graham stated that it will be necessary for property owners to continue posting properties that are under consideration until the conclusion of the public hearings. No one else spoke. Mr. Atherton moved to continue the public hearings and postpone action on these various renewals and additions to the Agricultural and Forestal Districts until the next regular Board meeting on July 13, 2006. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

PROPOSED TEXT AMENDMENT TO THE SUBDIVISION ORDINANCE

A public hearing was held to consider a text amendment to the Subdivision Ordinance to correct Code references, and make procedural edits to Section 2-39 Subdivision, and Section 3-2 Administrative Subdivisions. In addition, the amendment would add some commercial and industrial zoned property to the exception from the definition of subdivision, and remove commercial and industrial zoning districts from the Administrative Subdivision Section. Elizabeth A. Cook, Chief of Planning, summarized the proposed amendments. Kitty Smith, Marshall District, recommended that the Board postpone action for 30 days to allow time for a more comprehensive review of the text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTIONS 2-39 AND 3-2 OF THE DEFINITIONS AND ADMINISTRATION CHAPTERS REGARDING COMMERCIAL AND INDUSTRIAL DIVISIONS

WHEREAS, on March 9, 2006, the Board of Supervisors instructed staff to initiate a series of Subdivision Ordinance text amendments to facilitate the development of commercial and industrial subdivisions; and

WHEREAS, on April 27 and May 25, 2006, the Planning Commission held public hearings on the proposed revisions, and unanimously forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on June 8, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Board of Supervisor's goal of encouraging commercial and industrial development; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisor this 8th day of June 2006, That Sections 2-39 and 3-2 of the Fauquier County Subdivision Ordinance be, and are hereby, amend as follows:

SECTION 2 – DEFINITIONS (WORDS AND TERMS)

2-39 Subdivision

- 1) The division of a lot, tract or parcel of land into two or more lots, tracts or parcels for the purpose of transfer of ownership or building development. For purposes of this Section, the term shall relate to the purpose of recordation of any single division of land into two lots or parcels.
- 2) The division or allocation of land as open space for the common use by owners, occupants, or leaseholders.
- 3) An exception to the definition of "Subdivision" is made and approved by the agent is permitted for the following:
 - A) The single division of a lot or parcel for the purposes of a gift or sale to any member of the owner's immediate family provided:
 - 1) One of the property owner(s) is the natural or legally defined child, grandchild, parent or grandparent of the grantee or one of the property owner(s) is a trustee of a property owner's estate who was an immediate family of the grantee. (Amended by Board of Supervisors on February 18, 2003.)
 - 2) No previous transfer under this provision has been granted to the grantee in this County.
 - 3) The lot will not be voluntarily transferred to a non-immediate family member for at least ten (10) years except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction shall be noted in the deed.
 - 4) The grantee is 18 years of age and able to hold real property

under the laws of Virginia.

- 5) The purpose of the transfer is to provide for the housing needs of the grantee.
 - 6) The transfer is not for the purpose of circumvention of the Subdivision Ordinance.
 - 7) The grantor and grantee sign an affidavit duly acknowledged before some officer authorized to take acknowledgments of deeds that certifies compliance with 1 thru 7 above.
 - 8) Lots of five acres or greater shall be served by a right-of-way of not less than fifty feet in width; lots of less than five acres shall be served by a right-of-way of not less than twenty feet in width.
 - 9) Each lot created hereunder and the residue lot shall have Health Department approval for sewerage disposal to serve a minimum of a two-bedroom residence.
 - 10) When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat or in the deed.
 - 11) If the proposed lot(s) is served by a non-exclusive right-of-way, which is maintained by means of a recorded maintenance agreement or a duly constituted homeowners association, concurrence of the association or persons signatory to the maintenance agreement for the addition of the proposed lot(s) is required.
 - 12) Procedures for approval shall be the same as those for administrative subdivisions contained in Paragraph 3-2, (B).
 - 13) The platting requirements of Chapter 10 of this Ordinance are met.
 - 14) In the event the Board of Supervisors determines a circumvention to have occurred, the family transfer approval shall be considered void and the County may take appropriate action to require compliance with all otherwise applicable subdivision and zoning requirements or may initiate action to vacate said lot. No zoning permits shall be issued for such lot(s).
 - 15) If the Board finds that an extraordinary hardship is being caused by the ten-year restriction, it may reduce the time period to alleviate the hardship. This hardship provision shall be noted on the plat or in the deed.
- B) The sale or exchange of parcels between adjoining lot owners provided:

- 1) Such sale or exchange does not create an additional building lot;
 - 2) The sale or exchange of parcels does not leave a parcel that does not conform to the lot size and frontage requirements of the zoning district in which the property is located, and
 - 3) The platting requirements of Chapter 10 of this Ordinance are met.
- C) The division of a lot, tract or parcel of land into two or more parcels all of which are fifty (50) [acres](#) or greater for the purpose of transfer of ownership or building development provided:
- 1) The lots/layout conform to requirements of this Ordinance and other County Ordinances;
 - 2) All lots are served by a right-of-way at least thirty (30) feet in width;
 - 3) The design standards of Article 7-303.1 of the Zoning Ordinance are met, except that the right-of-way width may be reduced as provided above;
 - 4) The homeowners association is established with covenants which provide for the maintenance and upkeep of the private street;
 - 5) The highway entrance is approved by the Virginia Department of Transportation;
 - 6) All platting requirements of Chapter 10 of this Ordinance are met; and
 - 7) The large lots shall meet the minimum size and other requirements of Section 2-310 of the Zoning Ordinance. A notation shall be placed on the plat and deed for any lot, which may not be further divided in accordance with the provisions of Section 2-310 of the Zoning Ordinance. No parcel created pursuant to this section shall be divided in accordance with the sliding scale and its proportionate share methodology set forth in Section 2-308 of the Zoning Ordinance, except as outlined in Section 2-310. (Amended by Board of Supervisors October 14, 2004.)
- D) The division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities/utilities or public improvements provided approval as required by Section ~~45.1-456~~ [15.2-2232](#) of the Code of Virginia and/or other necessary State, Federal or local approvals have been granted and all requirements of this Ordinance and other County Ordinances have been met.

- E) The division or allocation of an individual parcel of land by Fauquier County, the Fauquier County School Board, the Fauquier County Water and Sanitation Authority, or the Vint Hill Economic Development Authority as owner or contract purchaser where the division is for the acquisition or sale of property by one of the aforementioned political subdivisions for a governmental purpose, provided that all requirements of this Ordinance and other County Ordinances have been met.
- F) The division or allocation of property located within a planned industrial or commercial development or other Planned District Zone for the purpose of office, commercial or industrial development, provided that the proposed division is in compliance with the Comprehensive Plan, the Concept Development Plan and any applicable rezoning proffer, and further provided that all platting requirements of Chapter 10 have been met, all required bonds are posted, and all requirements of this Ordinance and other County Ordinances have been met.
- G) Division of property in all other Industrial and Commercial zones provided that a Plan of Development has been approved in accordance with the provisions below ~~Section — of the Zoning Ordinance~~, the division is in compliance with the Plan of Development, the Comprehensive Plan and any applicable rezoning proffers, and further provided that all platting requirements of Chapter 10 have been met, all required bonds are posted, and all requirements of this Ordinance and other County Ordinances have been met.

The Plan of Development is designed to produce agreement and consensus on the conceptual design, size, access, layout, extent, and location and degree of improvements necessary or proposed in conjunction with a proposed development. The subdivider shall meet with the agent, the necessary referral agencies as identified by the agent, and the Planning Commissioner from the magisterial district of the proposed division to review the subdivider's proposed Plan of Development. After this meeting, the agreed upon Plan of Development shall be submitted for the Planning Commission's review a minimum of 21 days prior to the Commission's meeting. The Plan of Development shall be placed on the Commission's consent agenda, and shall be considered approved unless removed from this agenda and denied. If a Plan of Development is denied, the subdivider must file a preliminary plat pursuant to Chapter 9 of this Ordinance.

SECTION 3 - ADMINISTRATION

3-2 Administrative Subdivisions

- A) The agent may approve subdivisions of up to two (2) ~~three (3)~~ lots, including the residue, ~~and except~~ in RA, RC, RR-2, GA, MDP, PRD, R-1, R-2, R-3, R-4, TH, and V Zoning Districts ~~which are limited to two (2) lots, including the residue,~~ provided that for any of the resulting divisions:
- 1) No bonding is required.
 - 2) The lots are cumulative for each parcel of record as of May 9, 1968.
 - 3) All necessary requirements of this Ordinance and other County Ordinances are met.
 - 4) The lot drainfield certification plat is approved by the Fauquier County Health Department, or other entity providing public sewer and water services.
 - 5) The highway entrance is approved by the Virginia Department of Transportation.
 - 6) The right-of-way for Type III private streets providing access and frontage to administrative subdivision lots shall not exceed 1,000 feet in length, exclusive of the turnaround. The Agent may modify this limitation to allow a right-of-way length of up to 5,000 feet upon the submission of a formal modification application containing sufficient justification to allow the Agent to find that the proposed modification is warranted based upon a determination by the Agent that: 1) that properties through which the right-of-way will pass will not be unreasonably affected; 2) that no alternative for providing access is realistically feasible, and 3) that without the modification the 1,000 foot limitation places an unreasonable restriction on the use of the property. (Amended by the Board of Supervisors on September 19, 1996.)
 - 7) When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat.
 - 8) The platting requirements of Chapter 10 of this Ordinance are met.
- B) Subdivision plats qualifying under 3-2(A) of this Ordinance shall be submitted to the Department of Community Development. Upon determination that ~~all submission requirements have been met~~ the application may be processed for review, the Department of Community Development shall notify all adjacent property owners, members of the Planning Commission and members of the Board of Supervisors. Any comments shall be directed to the agent in writing within 15 days of the date notification was sent.
- If the agent determines the submission requirements have not been met, notice will be sent with a list of deficiencies to ~~the application shall be returned to the applicant with a list of deficiencies~~ within 5 7 working days. The agent shall have 5 7 working days to review and notify the applicant of any deficiencies with

respect to applicable County Ordinances. ~~Such deficiencies shall be corrected within the 15 day or a resubmission will be required.~~

Adjacent shall be defined as contiguous or across the road, not classified as an interstate or major arterial.

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE

A public hearing was held to consider a text amendment to Section 2-410 of the Zoning Ordinance, to allow emergency vehicles access to lots on the higher standard street when the lot has frontage on two or more streets. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-410 TO ALLOW EMERGENCY VEHICLE ACCESS TO LOTS ON THE HIGHER STANDARD STREET WHEN THE LOT HAS FRONTAGE ON TWO OR MORE STREETS

WHEREAS, on March 30, 2006, the Board of Supervisors initiated this text amendment; and

WHEREAS, on April 27, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on June 8, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of June 2006, That Section 2-410 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

2-410 Access to Lots Fronting on More than One Street

A. Where a lot has frontage on two or more streets, vehicular access shall not be permitted to the higher standard street unless the following conditions are met:

1. The higher standard street has a posted speed of 35 mph or less.
2. On an undivided street, the proposed access aligns with existing accesses.
3. The proposed access is no closer than 200 feet to the centerline of any street intersection.
4. The lot is located in a service district or village.
5. The lot is zoned Commercial or Industrial.
6. Provisions for combined access to adjacent lots are provided where appropriate.
7. The Virginia Department of Transportation (VDOT) has approved the access as necessary to improve public safety and the Board of Supervisors concurs with the VDOT finding.

B. Subsection A does not apply to entrance and exit of emergency vehicles garaged on such lots with multiple entrances provided VDOT has approved the access.

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE

A public hearing was held to consider a text amendment to Section 13-601 of the Zoning Ordinance, to provide administrative remedies to the Zoning Administrator to remove inoperable vehicles, trash, garbage, refuse, and litter. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Sanford Aubin, Marshall District, questioned whether or not any provisions are in place to allow the County to recuperate its costs related to the expense for removal of debris from cited properties. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-601 TO PROVIDE ADMINISTRATIVE REMEDIES TO THE ZONING ADMINISTRATOR TO REMOVE INOPERABLE VEHICLES AND TRASH, GARBAGE, REFUSE, AND LITTER

WHEREAS, on April 27, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on May 25, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on June 8, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of June 2006, That Section 13-601 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

13-601 General Provisions

(1 through 4 – same)

5.a. When the owners of property zoned for residential, commercial or agricultural purposes do not remove inoperable motor vehicles as provided in the Zoning Ordinance, the Zoning Administrator or the agent thereof may remove any such inoperable motor vehicles, trailers or semitrailers after giving reasonable notice of its intention to do so. After removing such vehicles and after additional reasonable notice, the County may dispose of such motor vehicles, trailers or semitrailers. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the County as taxes are collected and every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the County.

b. When the owners of property fail to remove trash, garbage, refuse, or litter in excess of 100 square feet of storage area as provided in the Zoning Ordinance and, whenever such trash, garbage, refuse, litter and other like substances might endanger the health of other residents of the locality, after reasonable notice, the Zoning Administrator or the agents thereof may remove such trash, garbage, refuse, or litter and the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected.

COMPREHENSIVE PLAN AMENDMENT #CPAM06-MA-002 – CARSON LEE FIFER JR., TRUSTEE, OWNER (PIN #6969-08-9742); STANSBURY FARM LTD LIABILITY CO, OWNER (PIN #6060-31-1774); MARY F. CUNNINGHAM AND CAY RAMEY WEIMER, OWNERS (PIN #6969-38-4701)

A public hearing was held to consider a proposed Comprehensive Plan Amendment that would: remove ± 39 acres of Rural Agriculture (RA) zoned property identified as PIN #6969-08-9742-000 and ± 7.4 acres of Rural Agriculture (RA) zoned property identified as PIN #6060-31-1774-000 from the Marshall Service District; and change 0.6 acres of PIN #6060-31-1774-000 planned from Low Density Residential to Future School Site and ± 8.1 acres of PIN #6969-38-4701-000 planned from Low Density Residential to Future School Site. The properties are located on the northeast side of Route 66 and Grove Lane (Old Route 55), Marshall District. Frederick P.D. Carr, Director of the Department of Community Development, summarized the proposed amendment. Goutam Bagchi, Marshall District, an adjacent property owner, spoke in opposition to the proposed amendment. Kitty Smith, Marshall District, spoke in favor of the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE CPAM06-MA-002: REVISIONS TO THE WESTERN BOUNDARY AND LAND USES OF THE MARSHALL SERVICE DISTRICT

WHEREAS, the Comprehensive Plan Amendment removes land zoned Rural Agriculture from the western boundary of the Marshall Service District, and revises the Land Use Plan; and

WHEREAS, on April 27, 2006, the Planning Commission unanimously recommended approval of this item to the Board of Supervisors; and

WHEREAS, on June 8, 2006, the Fauquier County Board of Supervisors conducted a public hearing on this item and considered written and oral testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the Marshall Service District boundary be, and is hereby, amended as reflected in Attachment 2 of the staff report, which removes approximately 39 acres of PIN 6969-08-9742-000 zoned Rural Agriculture, and approximately 7.4 acres of PIN 6060-31-1774-000 zoned Rural Agriculture from the Marshall Service District Land Use Plan; and, be it

RESOLVED FURTHER, That the Marshall Service District Land Use Plan is amended as reflected in Attachment 3 of the staff report, which does the following: changes approximately

0.6 acres of PIN 6060-31-1774-000 from “Low Density Residential 1-3 units per acre” to “Future School Site”, and changes approximately 8.1 acres of PIN 6969-38-4701-000 from “Low Density Residential: 1-3 units per acre” to “Future School Site”; and, be it

RESOLVED FINALLY, That the western boundary of the Marshall Service District and associated land uses in the Marshall Service District Land Use Plan, Fauquier County Comprehensive Plan be, and are hereby, amended.

SPECIAL EXCEPTIONS #SPEX06-SC-011 – RICHMOND AMERICAN HOMES, OWNER AND APPLICANT – JAMISON’S FARM

A public hearing was held to consider an application to obtain a Category 23 Special Exception to fill in a floodplain in association with Virginia Department of Transportation required improvements to the intersection of Baldwin Street (Route 673) and Highway 29/15. The property is located within the Jamison Farm Phase 1A subdivision, and adjacent to Baldwin Street (Route 673) and Route 15/29 in Warrenton, Scott District, further identified as PIN #6995-65-2468-000, PIN #6995-76-6411-000, PIN #6995-75-2118-000, and PIN #6995-75-4358-000. Melissa Dargis, Assistant Chief of Planning, summarized the proposed special exception. Paul Gauthier, Esquire, representing the applicant, requested favorable consideration of the application. Chuck Medvitz, Scott District, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE CPAM06-MA-002: REVISIONS TO THE WESTERN BOUNDARY AND LAND USES OF THE MARSHALL SERVICE DISTRICT

WHEREAS, the Comprehensive Plan Amendment removes land zoned Rural Agriculture from the western boundary of the Marshall Service District, and revises the Land Use Plan; and

WHEREAS, on April 27, 2006, the Planning Commission unanimously recommended approval of this item to the Board of Supervisors; and

WHEREAS, on June 8, 2006, the Fauquier County Board of Supervisors conducted a public hearing on this item and considered written and oral testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of June 2006, That the Marshall Service District boundary be, and is hereby, amended as reflected in Attachment 2 of the staff report, which removes approximately 39 acres of PIN 6969-08-9742-

000 zoned Rural Agriculture, and approximately 7.4 acres of PIN 6060-31-1774-000 zoned Rural Agriculture from the Marshall Service District Land Use Plan; and, be it

RESOLVED FURTHER, That the Marshall Service District Land Use Plan is amended as reflected in Attachment 3 of the staff report, which does the following: changes approximately 0.6 acres of PIN 6060-31-1774-000 from “Low Density Residential 1-3 units per acre” to “Future School Site”, and changes approximately 8.1 acres of PIN 6969-38-4701-000 from “Low Density Residential: 1-3 units per acre” to “Future School Site”; and, be it

RESOLVED FINALLY, That the western boundary of the Marshall Service District and associated land uses in the Marshall Service District Land Use Plan, Fauquier County Comprehensive Plan be, and are hereby, amended.

**TELECOMMUNICATION SPECIAL EXCEPTION #TWSE06-SC-001 –
COMMONWEALTH OF VIRGINIA c/o VDOT, OWNER, AND ROBERT POSILKIN
AND JOSEPH JOYCE c/o VERIZON WIRELESS, APPLICANT – VERIZON
WIRELESS AT THOROUGHFARE GAP**

A public hearing was continued from May 11, 2006, to consider an application to obtain a Telecommunication Special Exception to allow for a eighty (80) foot monopole with twelve antenna and the installation of a 12’ x 30’ x 10’ equipment shelter in a VDOT right-of-way. The property is located at the intersection of I-66 and Route 55, in The Plains, Scott District. Melissa Dargis, Assistant Chief of Planning, summarized the application. Frank Stearns, Esquire, representing the application, requested favorable consideration of application for special exception. Carol Walus, Scott District, spoke in favor of the application for special exception. Tom Marable, Scott District, spoke on behalf of the Fire and Rescue Association in support of the application for special exception. Jolly deGive, Marshall District, spoke on behalf of the Piedmont Environmental Council in opposition to the application for special exception. Nick Cox, Scott District; Alex Scott, Scott District; Georgia Herbert, Scott District; Matt Weeden, Scott District; Robin Givardi, Scott District; Joe Morgan, Scott District; Katherine Weeden, Scott District; Sanford Aubin, Marshall District; and, Kathleen Higgins, Scott District, spoke in opposition to the application for special exception. No one else spoke. The public was closed. Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

**A RESOLUTION TO DENY SPECIAL EXCEPTION REQUEST TWSE06-SC-001 TO
ALLOW A TELECOMMUNICATIONS TOWER WITHIN THE VIRGINIA DEPARTMENT
OF TRANSPORTATION RIGHT-OF-WAY**

WHEREAS, the Commonwealth of Virginia c/o Virginia Department of Transportation (VDOT), Owner, and Verizon Wireless, Applicant, have requested a Special Exception TWSE06-SC-001 to allow for a telecommunications tower within VDOT right-of-way on land located in the general vicinity of the intersection of Route 55 and I-66; and

WHEREAS, the requested application for the Special Exception would allow for the inclusion of a tower within the aforementioned VDOT right-of-way; and

WHEREAS, per Article 11 of the Fauquier County Zoning Ordinance, the site does not meet the 100-foot setback requirement from a public highway, as the tower is located within excess right-of-way owned by VDOT; and

WHEREAS, per Article 5 of the Fauquier County Zoning Ordinance, the proposed use does not comply with the general standards as it will adversely affect the visual aesthetic of the surrounding area due to the proposed site location, facility size, and height; and

WHEREAS, per the Fauquier County Comprehensive Plan, current legislation affirms local governments' right to control siting, construction, and the modification of cellular and other wireless telecommunications facilities; and

WHEREAS, the Comprehensive Plan notes the services these facilities provide for Fauquier residents, but such uses must be sensitive to the physical and visual impact of the landscape; and

WHEREAS, in the Comprehensive Plan in the discussion of potential site locations for facilities, under "Public Sites", VDOT right-of-way is not included; and

WHEREAS, this proposed telecommunications tower location is not consistent with the Goals, Objectives and Policies outlined in Chapter 9, as it does not:

1. Maintain and preserve the agricultural and residential character of the County and its neighborhoods and promote the creation of an attractive and harmonious community;
2. Minimize the adverse visual impacts of wireless communications towers and related facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
3. Provide a location in an area with concentrations of employment and mature tree stands; the least preferred areas are in existing residential areas, historic/archeological site and natural resource areas;
4. No tower shall be located within 1,000 feet of Virginia Scenic By-Ways unless an acceptable stealth tower design is utilized; and

WHEREAS, existing reasonable uses are available on the property; and

WHEREAS, the applicant has failed to demonstrate that other locations which are less impactful are not available; and

WHEREAS, with its request on February 16, 2006, the Planning Commission held a public hearing and considered public comment and forwarded a recommendation of denial to the Board of Supervisors; and

WHEREAS, on May 11, 2006 and June 8, 2006, the Board of Supervisors conducted public hearings and considered written and oral testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on this 8th day of June 2006, That Special Exception TWSE06-SC-001, Commonwealth of Virginia c/o Virginia Department of Transportation (VDOT), Owner, and Verizon Wireless, Applicant, be, and is hereby, denied as the proposal is not consistent with the Zoning Ordinance and Comprehensive Plan.

With no further business, the meeting was adjourned at 9:38 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on June 8, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*